

### **REMARKS**

By this amendment, claims 2, 15, 16, 19 and 25 have been canceled without prejudice. Claims 1, 3-4, 9, 18 and 20-21 have been amended. Claims 1, 3-14, 17-18 and 20-24 remain in the application for further prosecution.

#### **Summary Of March 13, 2007 Telephonic Interview**

Applicant wishes to thank the Examiner for the courtesy of the telephonic interview conducted on March 13, 2007 with the undersigned. During that interview, the amendments to claim 1 were discussed in relation to the Gordon and Nordman references. The undersigned indicated that the elements of protruding and retracting physical elements to and from a panel distinguished claim 1 from Gordon and Nordman. The Examiner indicated that the use of a protruding and retracting physical element was a matter of aesthetics and design choice and therefore was not patentable. The undersigned also presented a proposed amendment to claim 16 relating to a bonus indicator on the physical element. The Examiner indicated that such a feature was not anticipated by the references but was a design choice and was therefore obvious. The Examiner suggested that such an element could require a new search if an advantage to the feature could be stated. The undersigned agreed to submit a further amendment and make additional arguments.

#### **Claim Rejections - 35 U.S.C. § 102 and 103**

Claims 1-3, 7-11, 16, 18-20, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0064806 (Gordon).

Claims 1-2, 4, 6-10, 12, 14, 16, 18-19, 21, and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0053687 (Nordman).

Claims 5, 13, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0053687 (Nordman).

The application generally relates to a gaming apparatus having an electro-mechanical award display. The award display includes a plurality of physical elements each located at a different location on the housing and movable relative to a panel of the housing between a viewable extended position toward a player and a viewable retracted position away from the player. The physical elements are moveable between the extended and retracted positions along

a path approximately perpendicular to the panel. The physical elements may include indicia of a game outcome and thus represent the game outcome depending on their position.

Gordon is primarily related to a system to interconnect gaming machine components. One example of a game in Gordon is a cuckoo clock themed game. The Office Action has cited Figure 5 of Gordon for a plurality of "cuckoo" birds moveable between a retractable and extendable position. In the interview, the Examiner further pointed out that the doors in the Gordon cuckoo clock also are moveable between a retractable and extendable position. Gordon does not disclose physical elements that indicate a game outcome that are viewable in both the extended and retracted position. The "cuckoo" birds are not viewable when the doors are closed over them. The doors are not an indicator of game outcome. Neither the "cuckoo" birds nor the doors bear indicia of the respective outcomes of the game. Finally, there is no disclosure or suggestion in Gordon that the physical elements (either the "cuckoo" birds or the doors) are moved along a path perpendicular to the panel which mounts the cuckoo birds.

The Final Office Action has cited Nordman as showing an electro-mechanical display which includes a plurality of octopus legs moving between a retractable and extendable position. Nordman does not disclose physical elements which extend toward a player and retract away from a player. Further Nordman does not disclose a physical element bearing indicia associated with a game outcome.

Applicant has amended claim 1 to include the feature that the physical elements are moveable between extended and retracted positions along a path approximately perpendicular to a panel of the housing. The physical elements are further moved between a viewable, extended position toward a player and a viewable, retracted position away from the player. These features have the advantage of stimulating a player because the movement is more apparent when the physical object may be seen as coming toward the player to reach the extended position. These features are not anticipated by either Gordon or Nordman. The "cuckoo" birds in Gordon are not viewable in both the retracted and extended position. Gordon also does not disclose any mechanism for moving the "cuckoo" birds between any positions. The doors in Gordon are swung open and closed and therefore do not move along a path approximately perpendicular to the panel. Claim 1 is thus allowable over Gordon. Nordman does not disclose physical elements which move between an extended position toward from the player and a retracted position away

from the player. Further, the octopus arms do not move along a path approximately perpendicular to the panel on which they are mounted. The octopus arms in Nordman only move on the back panel on which they are mounted, they never move toward a player. Claim 1 is thus allowable over Nordman.

Claim 9 has been amended to include the features of the physical elements bearing indicia indicative of an associated game outcome. Claim 9 is allowable over Gordon because the physical elements do not bear indicia indicative of an associated game outcome. As the Examiner acknowledged neither the octopus arms in Nordman, nor the "cuckoo" birds in Gordon, show indicia of game outcomes as now required by amended claim 9. This feature has the advantage of directly imparting the information of the bonus to the player as well as provides excitement to the player by focusing their attention to the physical element. Claim 9 is thus allowable over Gordon and Nordman.

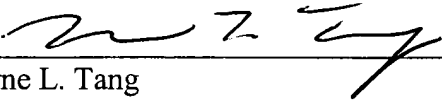
Claim 18 has been amended to include the feature that the physical elements are moved between the extended and retracted positions along a path approximately perpendicular to a panel of the housing. The physical elements are further moved between a viewable, extended position toward a player and a viewable, retracted position away from the player. Finally, the physical elements now bear indicia indicating an associated bonus game outcome. Claim 18 is allowable over Gordon because the physical elements are viewable in either position as explained above. Claim 18 is also allowable over Nordman because the octopus arms do not have a retracted position away from the player and an extended position toward the player. The octopus arms also do not move along a path approximately perpendicular to the panel. Further, as the Examiner acknowledged, neither the octopus arms in Nordman, nor the "cuckoo" birds in Gordon include indicia indicating an associated bonus game outcome as now required by amended claim 18. Amended claim 18 is thus allowable over Gordon and Nordman.

**Conclusion**

If any matters may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicants' undersigned attorney at the number shown.

Respectfully submitted,

Date: March 22, 2007

  
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Wayne L. Tang  
Reg. No. 36,028  
Jenkins & Gilchrist PC  
225 West Washington Street, Suite 2600  
Chicago, IL 60606-3418  
(312) 425-3900  
Attorney for Applicants